

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SUZETTE M. SCHULTZ	:	CIVIL ACTION
	:	NO. 12-3432
v.	:	
	:	
BARBARA G. SMITH, et al.	:	

ORDER

AND NOW this 3rd day of October 2012, upon consideration of the motion to dismiss and motion for sanctions filed by defendant Ronald A. Schultz, and the response in opposition filed by Suzette M. Schultz, it is ORDERED that this matter is STAYED pending resolution of the appeal now pending in the Pennsylvania Superior Court (Dkt. No. 1019 EDA 2012). The parties shall update the Court on the status of the pending appeal every three months or earlier if the Superior Court decides the matter on appeal.¹

It is further ORDERED that Ronald A. Schultz's "Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(1), and Fed. R. Civ. P. 12(b)(6), and Motion for Sanctions Pursuant to R. Civ. P. 11" is DENIED without prejudice to its renewal, if necessary and appropriate, by letter application on the existing papers upon disposition of the Pennsylvania Superior Court action. The renewed motion will be considered as filed on the filing date of the original motion.

Thomas N. O'Neill /s/
THOMAS N. O'NEILL, JR., J.

¹ Currently on appeal in the Pennsylvania Superior Court is an Order issued by Judge John Braxton of the Court of Common Pleas of Delaware County, Pennsylvania denying a Motion for Special Relief to Prevent Dissipation of Marital Assets brought by Suzette M. Schultz in connection with the divorce proceedings initiated there by Ronald A. Schultz. See Schultz, R v. Schultz, S., No. 1019 EDA 2012 (Pa. Super. Ct.). It appears that the issues raised in this case are similar to those currently being litigated in the state court proceeding. In recognition of the inadvisability of interfering with pending state litigation involving the same subject matter, I will await a final decision from the state court to better determine how to proceed.